

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
) v. CASE NO. 2:07-CR-104-WKW
) [WO]
NORMAN EVANS MCELROY, JR.)

ORDER

Before the court is Defendant Norman Evans McElroy, Jr.’s *pro se* motion for compassionate release (Doc. # 118), in which Mr. McElroy seeks to modify an imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Mr. McElroy has supplemented his motion with medical records (Doc. # 124) and other filings (Docs. # 120, 128–29). The Government has responded in opposition. (Docs. # 121, 127.)

Mr. McElroy was convicted based on his guilty plea to two counts of receiving child pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A). As a result of his convictions, Mr. McElroy was sentenced to 240 months’ imprisonment. (Doc. # 94.) Mr. McElroy’s projected release date is December 15, 2024. *See* <https://www.bop.gov/inmateloc/> (last visited Nov. 19, 2020).

Based upon a thorough review of the record, Mr. McElroy has not shown “extraordinary and compelling reasons” warranting his early release from prison. 18 U.S.C. § 3582(c)(1)(A). He also has not demonstrated that the medical staff at his

designated federal correctional institution is unable to provide him adequate medical care for his health conditions. *See* 18 U.S.C. § 3553(a)(2)(D); *see also United States v. Sanchez*, No. 2:17CR337-MHT, 2020 WL 3013515, at *1 (M.D. Ala. June 4, 2020) (denying an inmate’s motion for compassionate release in part based on the absence of evidence “that the prison is unable to meet [the inmate’s] medical needs” (citing § 3553(a)(2)(D))). Furthermore, the balancing of the § 3553(a) factors does not favor release.

Accordingly, it is ORDERED that Mr. McElroy’s motion for compassionate release (Doc. # 118) is DENIED.

DONE this 20th day of November, 2020.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE